

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

United States of America

Plaintiff (s)

vs.

Alexis Scott Carthens

Defendant(s)

: Criminal No. 99-138 (KSH)

:

: ORDER

:

The defendant in this criminal case was sentenced on January 12, 2000, and as part of the Judgment, was ordered to pay a special assessment of \$300 and restitution to three banks in the amounts of \$3,925, \$10,100, and \$1,500. According to papers defendant has filed in a Motion to Vacate Default Judgment (captioned "Alexis Carthens v. United States Attorney for the District of New Jersey"), a contract was drawn up whereby defendant agreed to pay down on the amounts due and owing.

Defendant claims that according to results of a judgment search, a Civil Judgment was filed by the United States Attorney "for the complete sum of restitution plus penalties and interest in violation of contract."

There is no default judgment on the Court's docket. But under 18 U.S.C. Section 3631(c), a restitution order constitutes "a lien in favor of the United States on all property and rights to property," and the lien has the force and effect of an IRS lien. The judgment search defendant references may have picked up such a lien, based on the January 12, 2000 Judgment. Defendant may confirm the status of his obligations on the restitution order by contacting the Financial Litigation Unit of the Office of the United States Attorney for the District of New Jersey.

Based on the foregoing, the Court denies the defendant's motion on grounds that there is no civil judgment to vacate. As to the underlying obligation, the Court is without authority to modify defendant's sentence. FRCrP 35.

SO ORDERED this 8th day of August, 2008.

/s/Katharine S. Hayden
KATHARINE S. HAYDEN
U.S.D.J.